

**RESOLUTION NO. 2020-160**

RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, RATIFYING AND ADOPTING THE MAYOR'S ORDER AMENDING PUBLIC MEETING GUIDELINES AND PROCEDURES USING COMMUNICATIONS MEDIA TECHNOLOGY IN RESPONSE TO CORONAVIRUS (COVID19) REINSTATING THE IN-PERSON ATTENDANCE REQUIREMENT TO MEET QUORUM FOR THE TRANSACTION OF PUBLIC BUSINESS AT PUBLIC MEETINGS OF THE CITY COUNCIL, CITY BOARDS AND COMMITTEES; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, On March 9, 2020, Governor Ron DeSantis issued Executive Order 20-52 declaring a state of emergency for the State of Florida as a result of the threat of the spread of Coronavirus Disease 2019 (COVID-19);

**WHEREAS**, the Governor's Declaration remains in effect (Executive Order 20-276) keeping Florida under a State of Emergency as a result of COVID-19; and

**WHEREAS**, the County and the City have also declared a state of emergency as a result of COVID-19 and remain in a state of emergency to date;

**WHEREAS**, we remain on a national state of emergency in the United States as many countries in western Europe consider lockdown to combat a resurgence in the spread of COVID-19;

**WHEREAS**, throughout the pandemic, Governor DeSantis, on behalf of the State, Mayor Gimenez, on behalf of the County, and Mayor Carlos Hernandez, on behalf of the City, have issued numerous emergency or executive orders regulating many aspects of society with the objective of implementing social distancing, reducing the risk of exposure or spread of the virus and avoiding overwhelming our public health resources;

**WHEREAS**, since March 2020, society has grown accustomed to the limitations on every-day life imposed by the virus, and, in particular, social activities involving gatherings and interactions among many people;

**WHEREAS**, society has learned to employ simple practices to safeguard against the spread of the virus, including the use of masks, avoiding crowds, and practicing social distancing;

**WHEREAS**, since March 2020, our testing capabilities have improved and our treatment and management of COVID-19 positive cases has improved, as we wait for the manufacture and mass distribution of a vaccine developed by scientists, vetted and approved by our national health agencies; and

**WHEREAS**, notwithstanding all the measures taken by the State, the County and the City to combat the virus, COVID-19 remains a serious threat to the health of all who contract the virus with unknown deleterious long term after effects; and

**WHEREAS**, the U.S. death toll to date exceeds 200,000 and Miami-Dade County leads the State in both total positive cases and number of deaths; and

**WHEREAS**, in recognition of the dangers to the public's health posed by person-to-person contact which we, as public officials, and the participating public may face at public meetings of our Council, boards or committees; and

**WHEREAS**, mindful of the expiration of Governor DeSantis issued Executive Order 20-69 suspending the legal requirements that a quorum of a governmental legislative body be present in person at local government public meetings; and

**WHEREAS**, mindful of our constitutional obligation to preserve the public's right to be present at all public meetings of the legislative body, city boards and committees; and

**WHEREAS**, in order to continue to city operations and provide municipal services in a reasonably safe environment for public officials, employees and the public, it is imperative to continue utilizing communications media technology to broaden participation at public meetings; and

**WHEREAS**, pursuant to Florida Statutes § 252.46(2), the statutory authority for the City's emergency rulemaking powers, the orders and rules adopted due to a declared emergency shall have the full force and effect of law after adoption and upon filing with the Office of the City Clerk; and

**WHEREAS**, these emergency orders or rules may deviate from existing laws, ordinances, and rules inconsistent with or in conflict with such emergency orders and rules during the period of time the declared emergency exists;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

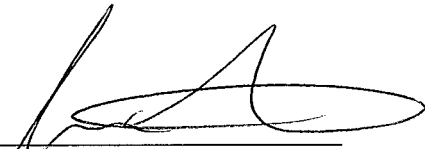
**Section 1:** The above recitations in the preamble are hereby incorporated by this reference in their entirety.

**Section 2:** The Mayor's Emergency Order amending Public Meeting Guidelines and Procedures using communications media technology in response to Coronavirus (COVID19) issued November 9, 2020 is hereby ratified.

**Section 3:** The amendment to the City's Public Meeting Guidelines and Procedures Using Communications Media Technology attached as "Exhibit A", adopted by Hialeah, Fla. Resolution 2020-048 (April 14, 2020) is hereby adopted.

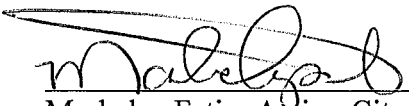
**Section 4:** This resolution shall become effective upon signature of the Mayor of the City of Hialeah, Florida or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

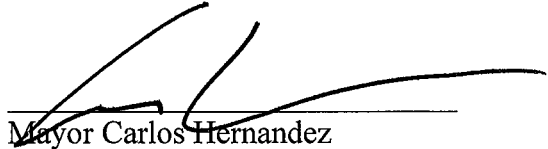
PASSED AND ADOPTED this 10 day of November, 2020.

  
\_\_\_\_\_  
Jesus Tundidor  
Council President

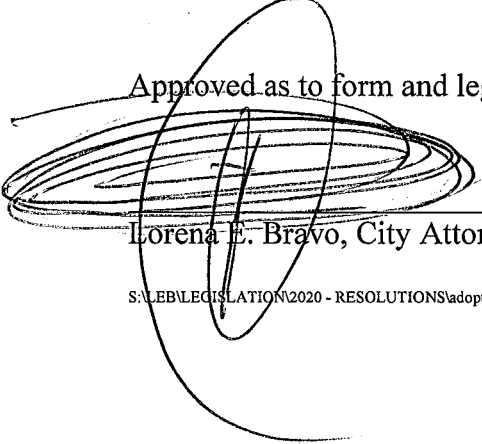
Attest:

Approved on this 16 day of November, 2020.

  
\_\_\_\_\_  
Marbelys Fatjo, Acting City Clerk

  
\_\_\_\_\_  
Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

  
\_\_\_\_\_  
Lorena E. Bravo, City Attorney

Resolution was adopted by 7-0 vote with Councilmembers, Cue-Fuente, De la Rosa, Garcia-Roves, Hernandez, Perez, Tundidor and Zogby voting "Yes."

**AMENDED PROCEDURES FOR PUBLIC MEETINGS OF THE CITY COUNCIL FOR  
THE CITY OF HIALEAH, FLORIDA USING COMMUNICATIONS MEDIA  
TECHNOLOGY IN RESPONSE TO COVID-19**

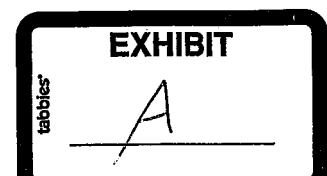
Pursuant to emergency management powers as set forth in F.S. §§252.31-252.90, Governor Ron DeSantis issued Executive Order 20-69 (March 20, 2020), suspending the “Florida’s Government in the Sunshine Laws” requirement that a quorum of the legislative body holding a public meeting be met in-person and that the meeting be held at a physical location accessible to the public for the duration of the State’s Declaration of Emergency issued on March 9, 2020 (EO20-52) as a result of the COVID-19 pandemic affecting the State of Florida. The nation and the State of Florida remain in a state of emergency. The Governor has extended the declaration every 60 days, as required by law, since the execution of Executive Order 20-52. The latest extension made through the execution of Executive Order 20-276 (November 3, 2020).

Notwithstanding the continuing statewide threat of COVID-19 to the health, safety and welfare of our citizens, Executive Order 20-69, issued specifically to allow local governments to use communications media technology to hold public meetings during the public health emergency, has expired as of 12:01 a.m. November 1, 2020 (EO 20-246). As such, all public meetings in this City of any deliberative body must comply with the in-person quorum requirement of the Sunshine Law. This means, at a minimum, there must be present, in -person, the minimum number of board members required to meet quorum based on the composition of the deliberative body at the location of the meeting. All other members of the deliberative body exceeding quorum may choose, in coordination with the secretary of the respective board conducting the public meeting, to appear using communication media technology.

Except for the requirement to meet physical quorum and as otherwise amended by this document, all other minimum guidelines and procedures adopted by City of Hialeah Emergency Order dated April 8, 2020 and Hialeah, Fla. Resolution 2020-048 (April 14, 2020) shall continue to govern the conduct of public meetings of the City Council of the City of Hialeah, Florida and the public meetings of all other boards or committees for the City of Hialeah, Florida using communications media technology, held during the duration of the public health emergency as a result of COVID19, in order to protect the health, welfare and safety of the public, including public officials, from being exposed to COVID-19 and meet the requirements of the Sunshine Law. These guidelines and procedures shall supersede all existing guidelines and procedures to the extent a conflict exists or if, based on the emergency, the existing guideline or procedure cannot be met.

**I. Public Notice; Purpose; Agenda.**

Consistent with the requirements of F.S. 286.0114 regarding the public’s right to reasonable notice and an opportunity to be heard, the City Charter’s provision on emergency hearings, the City’s declaration of emergency, and the factual context in which these guidelines are adopted, the City shall provide the public notice of a regular, special or emergency meeting of the Council, board or committee with as much advance notice as possible considering the official action required to be taken and the emergency circumstances requiring the official action but in no event with less than 24 hours prior to the meeting taking place. The notice of public meeting shall generally state the



purpose for the meeting. An agenda setting forth the items under consideration requiring official action shall be prepared and made available to the public prior to the meeting. The notice shall be publicized through available channels of communications such that communication of the anticipated occurrence of the meeting to the public is effective and efficient, including posting of the notice on the City's website and in the notices bulleting at City Hall for regular meetings, social media sites, if the meeting can be accessed or viewed through social media, television, radio, newspapers, or mass text or email messages to registered users, under emergency circumstances if warranted. The notice shall contain information about the purpose of the meeting, date, time, virtual locations and the type of electronic communications access points through which the public may choose to attend or participate in the meeting, and the address, e-mail, and telephone number where a person may request additional information about attending or participating in the meeting.

## **II. Quorum**

The number of members required for a quorum of the Council, board or committee shall not change and the minimum number of members to establish quorum must appear in person at the location of the meeting. However, in lieu of an in-person appearance, any member in excess of quorum may appear using any available method of communications media technology, such as web-based meeting applications or through the telephone. Members appearing through the use of communications media technology shall not be counted for purposes of establishing a quorum.

## **III. Public Access**

A limited number of members of the public will be allowed to be present at the location of the meeting considering the physical spacing limitations of the location to observe social distancing. As such, only 15 members of the public will be allowed to attend in person any scheduled meeting of the Council held in Chambers on a first-come-first serve basis. Based upon anticipated in-person attendance of any meeting, the City will provide additional space at City Hall to accommodate the public and provide both viewing and participation capabilities. In addition, all public meetings continue to be broadcast live for members of the public to view on the City's Facebook page. As an additional alternative, members of the public may hear the meeting live through telephonic conferencing. The City shall publish the telephone conference number or numbers and all required information to enable any person interested in listening to the meeting live on its website. The telephone conference dial-in information shall be published on the city's website no later than twenty-four (24) hours prior to the meeting. The Facebook live streaming will begin concurrently with the meeting.

## **IV. Public Participation/Reasonable opportunity to be heard**

Persons interested in participating in the public meeting by making comments or asking questions may do so by electing to do so in advance of the meeting or during the meeting through all the means previously established for virtual public meetings.

## **V. Accommodations**

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the virtual public meeting should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than two (2) days prior to the virtual meeting or 6 hours prior to the meeting, if only 24-hours' notice prior to the meeting is provided by the City. If hearing impaired, persons may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice) to contact the Office of the City Clerk.

Persons who do not have access to a computer or smart mobile device or otherwise need assistance in accessing or participating in the meeting pursuant to these procedures must contact the Office of the City Clerk at (305) 883-5820 for assistance. The person requesting assistance must contact the Office of the City Clerk no later than two (2) days prior to the virtual meeting or 6 hours prior to the meeting, if only 24-hours' notice prior to the meeting is provided by the City, to allow the Clerk a reasonable opportunity to provide any reasonable assistance necessary to allow the person to participate effectively.

## **VI. Additional Information**

Anyone interested in additional information related to the conduct of a public meeting or these procedures may contact the Office of the City Clerk by telephone at (305) 883-5820 or in writing by email at [cityclerk@hialeahfl.gov](mailto:cityclerk@hialeahfl.gov). The City's website can be accessed at [www.hialeahfl.gov](http://www.hialeahfl.gov). The City's social media pages can be accessed through the main page on the City's website. Click on the handle for "City of Hialeah-Municipal Government" for Facebook, Twitter and Instagram.